

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Case No. 5:22-cv-00291-M

NOEL VINCENT THOMAS,

Plaintiff,

v.

NORTH CAROLINA MUTUAL LIFE
INSURANCE COMPANY, MICHAEL
LAWRENCE, ALABAMA DEPARTMENT
OF INSURANCE, JAMES FINN, NORTH
CAROLINA DEPARTMENT OF
INSURANCE, and JOHN HOOMANI,

Defendants.

ORDER

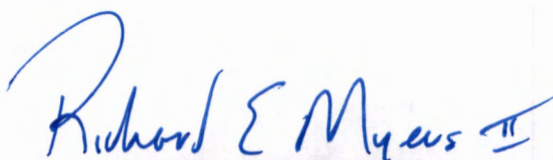
This matter comes before the court on the Memorandum and Recommendation (“M&R”) of United States Magistrate Judge Kimberly A. Swank [DE 5]. Pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), Magistrate Judge Swank entered an M&R recommending that the court to dismiss Plaintiff’s complaint for frivolity pursuant to 28 U.S.C. § 1915(e)(2)(B). To date, no objections have been filed.

A magistrate judge’s recommendation carries no presumptive weight. The court “may accept, reject, or modify, in whole or in part, the . . . recommendation[] . . . receive further evidence or recommit the matter to the magistrate judge with instructions.” 28 U.S.C. § 636(b)(1); *accord Mathews v. Weber*, 423 U.S. 261, 271 (1976). The court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* § 636(b)(1). Absent a specific and timely objection, the court reviews only for “clear error” and need not give any explanation for adopting the recommendation. *Diamond v. Colonial*

Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

Upon careful review of the M&R and the record presented, and finding no clear error, the court ADOPTS the recommendation of the magistrate judge as its own. For the reasons stated therein, Plaintiff's claims are dismissed pursuant to 28 U.S.C. § 1915(e)(2). The clerk is DIRECTED to close this case.

SO ORDERED this 15th day of May, 2023.



RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE